

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GERALD LEVINE, individually and :
on behalf of all others similarly :
situated, :
 :
Plaintiff, :
 :
vs. : CIVIL ACTION
 : NO. 95-690 JJF
METAL RECOVERY TECHNOLOGIES, INC., :
formerly known as :
MALVY TECHNOLOGY, INC., :
J. STEPHEN SMITH, ROY PEARCE, :
WILLIAM M. GREENWOOD, and :
MICHAEL LUCAS, :
 :
Defendants. :
 :

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GERALD LEVINE, individually and :
on behalf of all others similarly :
situated, :
 :
Plaintiff, :
 :
vs. : CIVIL ACTION
 : NO. 96-525 JJF
METAL RECOVERY TECHNOLOGIES, INC., :
et al. :
 :
Defendants. :
 :

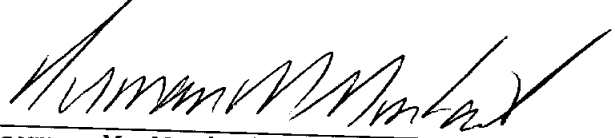
**PLAINTIFF'S MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT, DISMISSAL OF
CERTAIN CLAIMS, APPROVAL OF NOTICE TO
CLASS, AND SCHEDULING OF FINAL HEARING**

Plaintiff, by his attorneys, hereby moves the Court for preliminary approval of an additional settlement in this action, and for the dismissal of all remaining claims, subject to further

consideration following a final settlement hearing, and requests that the Court enter an Order in the form annexed hereto, providing, inter alia, for giving notice of the settlement and proposed dismissals and scheduling a hearing upon the fairness, reasonableness and adequacy of the settlement, the application by plaintiff's counsel for attorneys' fees and expense reimbursements, the proposed dismissal of remaining claims, and to hear from plaintiff's counsel with respect to the status of the MRTI bankruptcy proceedings and counsel's plans with respect to a distribution to the Class in this action.

Dated: July 28, 2005

ROSENTHAL, MONHAIT, GROSS &
GODDESS, P.A.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of July, 2005, two copies of PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT, DISMISSAL OF CERTAIN CLAIMS, APPROVAL OF CLASS NOTICE, AND SCHEDULING OF FINAL HEARING were served electronically upon the following:

Joanne P. Pinckney, Esquire
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and a copy was served by first class mail, postage prepaid, upon the following:

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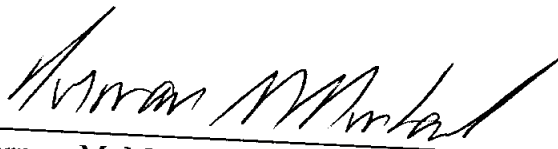
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